



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NY 10007-1866

JUN 24 2016

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Article Number: 7015 1730 0000 9218 8886

Dr. Barry A. Weinstein, Supervisor
Town of Amherst
5583 Main Street
Williamsville, NY 14221

**RE: Town of Amherst Municipal Separate Storm Sewer System
NPDES Permit No. NYR20A122
Notice of Program Evaluation and Request for Information (RFI)
Docket No. CWA-IR-16-026**

Dear Supervisor Weinstein:

This letter provides formal notification that the United States Environmental Protection Agency (EPA) Region 2 intends to conduct an audit of your Phase II Municipal Separate Storm Sewer System (MS4) program. A representative from the New York State Department of Environmental Conservation (NYSDEC) will also be invited to attend. The audit or program evaluation will be performed pursuant to 40 C.F.R. § 122.41(i) and to the Town's State Pollutant Discharge Elimination System (SPDES) Permit No. NYR20A098. The goal of the program evaluation is to determine your compliance in meeting the conditions and requirements contained within your SDPES permit.

We have scheduled the audit for Tuesday, July 26, 2016 through the morning of Thursday, July 28, 2016. We would like to start at 8:00 AM at the Town's offices on Tuesday. Please provide a suitable location where EPA Region 2, NYSDEC and Town staff can meet. The program evaluation will consist of interviews with Town staff members, file reviews, and inspections of the municipal operations and construction sites.

We plan to review the stormwater program procedures and practices of the Town and will need appropriate personnel knowledgeable about these specific program areas to be available. Therefore, in an effort to minimize disturbances to staff and ensure that proper personnel (including inspectors) are available, we have attached a draft agenda that details the program evaluation itinerary for each day to help you identify the appropriate person(s) who should be present during the office and in-field review. We can adjust this itinerary to meet schedule conflicts if necessary.

Upon conclusion of the program evaluation, we would be pleased to conduct a closing conference, during which we can discuss the preliminary findings. All findings will remain preliminary until the delivery of a detailed evaluation report.

The EPA is charged with the protection of human health and the environment under the Clean Water Act (CWA or Act), 33 U.S.C. §§ 1251 et seq. Section 308(a) of the CWA, 33 U.S.C. § 1318(a), provides that whenever it is necessary to carry out the objectives of the CWA, including determining whether or not a person/agency is in violation of Section 301 of the CWA, 33 U.S.C. § 1311, the EPA shall require the submission of any information reasonably necessary to make such a determination. Under the authority of Section 308 of the CWA, EPA may require the submission of information necessary to assess the compliance status of any facility and its related appurtenances.

REQUEST FOR INFORMATION

In order to assist in the preparation for the audit, and pursuant to the authority contained in Section 308(a) of the CWA, 33 U.S.C. § 1318(a), you are hereby required to submit the following to EPA, **within twenty (20) calendar days of receipt** of this letter:

1. A copy of the Town's Notice of Intent (NOI) and Acknowledgement Letter from NYSDEC to receive coverage under the NYSDEC Phase II MS4 permit;
2. A copy of the Town's Storm Water Management Program (SWMP) Plan developed in accordance with the terms of NYSDEC's Phase II MS4 permit, GP-0-15-003 (Permit);
3. A flow diagram or graphic explanation of the organizational units/departments at the Town responsible for implementation of each of the six minimum control measures identified in the permit, including key staff members in each unit;
4. Explanation of the coordination/communication between organizational units and key staff members (i.e. regular scheduled meetings, email, databases etc.);
5. A list of any adjacent MS4s (e.g. another municipality, military installation, DOT, Monroe County, etc.) with which the Town may have agreements related to implementation of the storm water program;
6. Copies of agreements with other MS4s or entities that may be implementing the Town's stormwater program, if applicable;
7. A map showing the adjacent MS4s (in item 5 above);
8. A map showing the Town's receiving waters, basins, and segments, including any TMDL or 303(d) listed waters;
9. A list of current construction sites within the Town MS4 greater than one acre;
10. A list of storm water inspections conducted by the Town at construction sites since January 2012 and a list of any enforcement actions taken;
11. Summary of all training provided to staff in charge of implementing the MS4 permit;
12. A copy of the ordinance prohibiting illicit connections adopted by the Town;
13. Documentation showing the effectiveness of the Town's illicit connection elimination program (i.e. number of illicit connections, how problem has been corrected, etc.);
14. A map of the Town's outfalls and an accompanying list of outfall ID's and locations (e.g. latitude and longitude or address) of each;
15. List of Town owned or operated facilities (parks, marinas, garages, public works yards, fueling areas, landfills, composting facilities, salt storage areas, material or vehicle storage areas etc.) and their locations;
16. Good housekeeping/municipal operations summary such as street cleaning, catch basin clean-outs, and town-wide clean-ups, etc.; and
17. Name and contact information (including phone and email) of the MS4 coordinator or stormwater contact for the Town.

CERTIFICATION

Any documents to be submitted in response to this RFI shall be signed by an authorized representative of the respective entity (see 40 C.F.R. § 122.22), and shall include the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Please provide the requested information by certified mail or its equivalent, or electronically by e-mail to the following:

Katherine Mann
US EPA Region 2, DECA-WCB
290 Broadway, 20th Floor
New York, NY 10007-1866
mann.katherine@epa.gov

Failure to provide the requested information may subject the facility to civil/criminal penalties pursuant to Section 309 of the CWA. Failure to comply with the RFI shall also subject the facility to ineligibility for participation in work associated with Federal contracts, grants or loans.

We look forward to your cooperation with this matter. If you have questions or comments on this evaluation process, please call Justine Modigliani, Chief, Compliance Section, Water Compliance Branch, at (212) 637-4268, or have your staff contact Katherine Mann at (212) 637-4226, or they may e-mail her at the above e-mail address with any questions or comments.

Sincerely,



Douglas McKenna, Chief
Water Compliance Branch

Enclosure

cc: Joseph DiMura, P.E., Director, Bureau of Water Compliance Programs, NYSDEC
Jeffrey Konsella, P.E., Regional Water Engineer, NYSDEC Region 9

**DRAFT AGENDA FOR MS4 AUDIT
TOWN OF AMHERST
July 26, 2016 – July 28, 2016**

Tuesday, July 26, 2016	
<i>Location: TBD</i>	
8:00 am – 9:00 am	Opening/Kick-off Conference and Stormwater Management Program Overview
Introductions, overview of audit process, goals and benefits, overview of Town characteristics, program management, intermunicipal agreements regarding stormwater, annual reporting/SWMP evaluation, employee training, etc.	
9:00 am – 11:30 am	Pollution Prevention/Good Housekeeping
Interview appropriate staff (Highway, Engineering, Parks, Waste Management, etc.) and review records (Standard Operating Procedures, facility inspections, street cleaning, garbage removal, chemical application and storage, etc.)	
11:30 am – 12:00 pm	Public Education and Outreach Program
Interview appropriate staff and review records (outreach material, handouts, pamphlets etc.)	
12:00 pm – 1:00 pm	LUNCH
1:00 pm – 2:30 pm	Illicit Discharge Detection & Elimination and MS4 Outfalls
Interview appropriate staff and review records (ordinance, mapping, outfall inspections, related enforcement, Standard Operating Procedures, etc.)	
2:30 pm – 4:30 pm	Construction and Post-Construction Site Stormwater Runoff Control
Interview appropriate staff and review records (inspection reports, enforcement actions, SWPPPs, SWPPP review documents, Standard Operating Procedures, etc.)	
Wednesday, July 27, 2016	
<i>Location: Various</i>	
8:00 am – 12:00 pm	Field Component for MS4 Maintenance Activities, MS4 Outfalls and Construction Stormwater Management
Inspection of municipal highway garages, municipal yards, parks, salt/de-icing storage, etc., observing facility operations & maintenance work; observe MS4 staff as they conduct inspections at construction sites (mix of both public and private, small and large sites, residential and commercial, etc.); and MS4 outfall inspections	
12:00 pm – 1:00 pm	LUNCH
1:00 pm – 5:00 pm	Continued: Field Component for MS4 Maintenance Activities, MS4 Outfalls and Construction Stormwater Management
Thursday, July 28, 2016	
<i>Location: Various and TBD</i>	
8:00 am – 9:00 am	Complete field work, interviews and review additional records (if any)
9:00 am – 10:00 am	Closing Conference
Discussion of preliminary Audit findings, discussion of Audit Report and follow-up procedures	

